



FILED & JUDGMENT ENTERED
Steven T. Salata

January 28 2021

Clerk, U.S. Bankruptcy Court
Western District of North Carolina

Laura T Beyer

Laura T. Beyer
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT
OF NORTH CAROLINA CHARLOTTE DIVISION**

In Re: VINROY W. REID, Debtor

**Case No.: 18-31436
Chapter 7**

**ORDER ON DEBTOR'S MOTION FOR RECONSIDERATION OF CREDITOR
SABATINI ATLANTA ENTERPRISES, INC.'S MOTION TO REJECT LEASE,
ABANDON COLLATERAL AND FOR RELIEF FROM AUTOMATIC STAY**

Following a hearing on the above-entitled matter, held on January 13, 2021, the Debtor's Motion is hereby GRANTED IN PART and DENIED IN PART.

The court enters the following findings:

1. At the hearing on the creditor's motion, held on December 9, 2020, the court had no way of knowing who was on the phone hearing line until he or she identified themselves for the record.
2. At the time the matter was called, counsel for the Debtor did not identify herself as being present; therefore, the court had no way of knowing that she had been on the line previously and was cut off. Accordingly, since the movant creditor was present, the court proceeded as if the matter were a default hearing.
3. The Trustee, A. Burton Shuford, also did not appear so there was no input from his office at the December 9, 2020 hearing.
4. Based on the foregoing facts, after hearing from counsel for the creditor Sabatini, the court granted Sabatini's motion, unopposed.
5. After hearing from Debtor's counsel and the Trustee at the January 13, 2021 hearing, the court ORDERS:

- a. The court's previous order entered January 8, 2021 on Sabatini's motion shall remain in full force and effect with the exception of decretal Paragraph 5, which relates to the issue of past due rent, attorney fees and court costs. Paragraph 5 is hereby stricken.
- b. If creditor Sabatini wishes the court to award past due rent and other administrative fees, it shall request the same by filing a separate motion and serving notice on all appropriate parties.

This Order has been signed electronically. The Judge's signature and Court's seal appear at the top of the Order.

United States Bankruptcy Court